S.B.CRIMINAL MISC. BAIL APPLICATION NO.5096/2006

Date : 17.11.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. M.K. Garg for the applicant.
Mr. Vishnu Kachhawaha, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

In the present case, there are 23 injuries on the person of the deceased. The deceased was first made helpless and thereafter by pelting stones and by beating him, he was done to death. The manner in which the incident took place and taking into consideration the overall facts and circumstances of the present case, I do not feel inclined to extend benefit of bail to the applicant. Accordingly, the bail application moved by the applicant under Section 439 Cr.P.C. stands rejected at this stage. However, the learned trial court shall record in preference statements of Mukesh and the Doctor in this case. After recording of statements of the above

witnesses, if any bail application is moved before the learned trial court by the applicant, then, the learned trial court shall decide the same in accordance with law. The learned trial court may also expedite trial.

(SATYA PRAKASH PATHAK), J.

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